

# Nebraska's Crime Victim's Reparations Program

# What is the purpose of CVR?

- Restorative justice begins with healing the crime victims. Nebraska's CVR program assists innocent victims of crime who have suffered physical injuries and incurred a financial loss.
- The state, or society is not "at fault" for the crime committed against the victim, but victims deserve equal treatment.
- Victims can be a neglected part of the criminal justice system. They provide evidence and testimony which allows law enforcement to apprehend and prosecute the criminal.
- The CVR program, in a small but important way, can alleviate some of the financial burdens of crime victims.

# Progression of CVR Statutes

- 1978 – CVR legislation was passed in Nebraska. A separate state agency was created.
- 1981 – LB 328 passed and the CVR program was added to the duties of the Crime Commission.
- 1984 – Federal Victim's of Crime Act passed. Nebraska became eligible for federal CVR funds.
- FY 85-86, 86-87, and 87-88 – State funding for CVR was eliminated.
- FY 88-89 – State funding for CVR was restored. The General Fund appropriation was \$210,000. We also received funds from Correctional Industries and federal matching funds.

# Progression of CVR Statutes, cont.

- FY 02-03 – General funds for CVR were reduced from \$210,000 to \$20,000. In 2004, to adjust to this big reduction in funds, the CVR Committee voted to no longer accept assault claims. The program continued to accept claims for domestic violence, homicide, sexual assault, arson, child abuse, robbery, DUI, and kidnapping.
- 2010 – LB 510 passed and added additional revenue to our CVR program from a portion of a \$1.00 court fee and a percentage of work release wages from state prisoners. As a result of LB 510, the annual budget (including federal funds) for our CVR program increased from \$80,000 to \$320,000.
- July 1, 2011 – Beginning this date, we began accepting claims from felony assault victims whereby an element of the crime is serious bodily injury.
- 2015 – LB 605 passed and increased the maximum CVR award from \$10,000 to \$25,000 and added another member to the CVR Committee who has training and work experience with victims and survivors of crime.

# Who is eligible for CVR?

- Eligible applicants who suffer physical injuries as the result of a crime. Property losses are not covered.
- A dependent or legal representative of an eligible applicant who has been killed as a result of a crime is eligible to apply for funds to pay for funeral expenses.
- A parent or guardian who is responsible for medical expenses of a minor is eligible to apply.
- A person who is injured while aiding a crime victim or assisting a police officer may also apply for funds.
- The following incidents are currently eligible for consideration under the program: Homicide, Sexual Assault, Felony Assault, Child Sexual Assault/Abuse, Robbery, Domestic Violence, Arson, DUI, and Kidnapping.

# Other eligibility concerns for CVR

- Any funds available from health insurance are deducted before the CVR claim is approved. The maximum amount paid on any claim is \$25,000. The maximum amount increased to \$25,000 in September 2015 as a result of LB 605.
- The claim must be filed with our CVR program within 2 years of the date of the crime. The victim must report the crime to a law enforcement agency within 3 days of the incident. (No order for the payment of compensation shall be entered under the Nebraska Crime Victim's Reparations Act unless the application has been submitted to the committee within two years...or offense which had been reported to the police within three days of its occurrence or, if the incident could not reasonably have been reported within that period, within three days of the time when a report could reasonably have been made. - Neb.Rev.Stat. 81-1821)
- The victim must cooperate with criminal justice officials in the investigation of the crime and the prosecution of the offender.

# What expenses may be paid?

- Medical provider expenses incurred as a direct result of the crime.
- Loss of wages while under a doctor's care as a direct result of the crime.
- Funeral expenses - \$5,000 maximum.
- Loss of earning power caused as a direct result of the crime.
- Counseling expenses needed as a direct result of the crime - \$2,000 maximum.
- Conservatorships may be created for minor children of homicide victims - \$10,000 maximum per child.

# Expenses not eligible include...

- Property loss.
- Payment for pain and suffering.
- Expenses not directly related to the crime.
- Expenses paid by insurance, public funds, the offender, or other sources.



# What forms are required?

- The 9 page application form, which includes an instruction page and the attestation page (to affirm that the victim is a U.S. citizen.)
- This form was updated in July 2015 to adhere to the new federal reporting guidelines for the program.
- The updated form is available on the Nebraska Crime Commission website.

# What crimes are covered?

- Homicide
- Sexual Assault
- Domestic Violence
- Child Abuse/Sexual Assault
- Kidnapping
- DUI
- Robbery
- Arson
- Felony Assault (as of July 1, 2011)

# What are the CVR Procedures?

- We receive an application form from the crime victim.
- Send acknowledgement letter to the victim.
- Request a copy of the police report.
- Review the police report.
- Contact service providers to verify amounts owed.
- Generate a claim summary for the Hearing Officer.
- The Hearing Officer approves or denies the claim.
- A decision letter is mailed to the crime victim.
- If the claim is approved, we process payments to the victim and/or service providers.
- Denied claims may be appealed to the CVR Committee. If the CVR Committee upholds the decision of the Hearing Officer, the victim may appeal to the District Court.

# If...

- Application is received
- Information is gathered
- Claim is reviewed
- Hearing Officer's decision is made
  - Claim is awarded
    - Claimant is notified of decision
    - Payment is processed
    - Providers are paid directly
    - Claimant is reimbursed
    - Supplemental bills are accepted (within 2 years of date of incident)
  - Claim is denied
    - Claimant is notified of decision
    - Written request for appeal
    - Hearing is conducted
    - Decision
    - Right to appeal in District Court

# Reasons for denial of a CVR claim

- If the victim's behavior was such that he or she was not an eligible applicant, then the claim will be denied. For example, the victim could have been involved in gang or drug activity.
- The victim was injured or killed in a motor vehicle accident.  
**Note:** If (1) the driver is charged with D.U.I. or (2) the driver intentionally tried to injure or kill the victim, then the CVR program can pay for those incidents.
- If the victim's conduct contributed to his or her injuries, the claim will be denied. If the victim aided or abetted the criminal in the commission of an unlawful act, then the claim will be denied.
- If the victim was injured or killed while violating a law.

# What we are working towards...

- Negotiated payments to service providers, i.e. we intend to negotiate with hospitals and other service providers so we can pay the medical bills of crime victims at insurance provider rates or from a fee schedule.
- On-line submission of CVR claims.
- Updating the CVR Rules and Regulations.

# Contact Information

- Application forms and other information about the CVR program are on the Crime Commission website.

[www.ncc.nebraska.gov](http://www.ncc.nebraska.gov)>Quick References>Crime Victim's Reparations

- Our address is: Nebraska Crime Commission  
301 Centennial Mall South  
P.O. Box 94946  
Lincoln, NE 68509
- Phone number for the CVR program is 402-471-2828.

# Claim Statistics FY 14-15

- ❖ Claims Pending July 1, 2014 = 43
- ❖ New Claims and Appeals = 122
- ❖ Claims Determination = 133
- ❖ Claims Awarded = 72, totaling \$325,510
- ❖ Claims Pending June 30, 2015 = 36